

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ROBERT TURNER,)	
)	
Plaintiff,)	
)	
v.)	1:22-CV-92
)	
CAPTAIN JOHNSON, et al.,)	
)	
Defendants.)	

ORDER

The Recommendation and Order of the United States Magistrate Judge was filed in accordance with 28 U.S.C. § 636(b) and the Clerk served the Recommendation on the plaintiff. The plaintiff filed a paper writing which the Court will treat as an objection to the Recommendations that the claims against defendant Johnson should be dismissed, Doc. 7 at 2-4, and that the claim against defendant Ayisi in his official capacity should be dismissed.

The Court has reviewed the Magistrate Judge's recommendation *de novo* as to these matters and agrees with the Magistrate Judge. The plaintiff's objections do not undermine the Magistrate Judge's reasoning or conclusions.

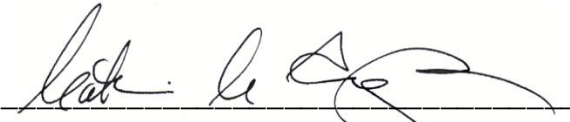
The plaintiff did not object to the parts of the Magistrate Judge's Order concerning *in forma pauperis* status, the filing fee, issuance of a summons, and service. Doc. 3 at 5-6. There is no clear error as to these orders, which remain in place.

After consideration of the record, the Court hereby adopts the Magistrate Judge's Recommendation and Order in full.

It is **ORDERED** that:

1. The plaintiff's individual capacity claim against Defendant Ayisi may proceed but his official capacity claim against Defendant Ayisi and his claims against Defendant Johnson are dismissed without prejudice pursuant to 28 U.S.C. § 1915A.
2. Plaintiff's trust officer shall pay to the Clerk of this Court 20% of all deposits to the plaintiff's trust account starting with the month of April of 2022, and thereafter each time that the amount in the account exceeds \$10.00 until the \$350.00 filing fee has been paid for failing to state a claim upon which relief may be granted, in compliance with the other provisions of the Magistrate Judge's Order.
3. The plaintiff is reminded that he must fill out a summons directed to defendant Ayisi with an address suitable for service and return it to the Clerk. Failure to obtain service within 90 days of the Magistrate Judge's Order granting *in forma pauperis* status is grounds for dismissal pursuant to Federal Rule of Civil Procedure 4(m).

This the 19th day of April, 2022.



UNITED STATES DISTRICT JUDGE